



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JFW

APPLICANT: Bergersen

ATTY DOCKET NO.: BER-P-03-054

SERIAL NO.: 10/665,441

GROUP ART UNIT: 3732

FILING DATE: September 18, 2003

EXAMINER: Unassigned

TITLE: "A SYSTEM OF DENTAL APPLIANCE HAVING VARIOUS SIZES AND TYPES AND A METHOD FOR TREATING MALOCCLUSIONS OR PATIENTS OF VARIOUS AGES WITHOUT ADJUSTMENTS OR APPOINTMENTS"

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

Submitted herewith is an Information Disclosure Statement for consideration in the above-identified application. This Information Disclosure Statement is submitted.

- Within 3 months (1) of filing date of a national application; (2) of date of entry of the national stage as set forth in 37 CFR §1.491 in an international application; or (3) before the mailing date of a first Office Action on the merits, whichever occurs last. (No fee is required.)
- After the mailing date of a first Office Action but before (1) mailing of a final action under 37 CFR §1.113; or (2) mailing of a notice of allowance under §1.311, whichever occurs first.
- Payment for the fee set forth in 37 CFR §1.17(p) accompanies this submission; or
- The certification specified in 37 CFR §1.97(e) is made below. (No fee is required.)
- After the mailing of (1) a final action under 37 CFR §1.113; or (2) a notice of allowance under 37 CFR §1.311 whichever occurs first, but before payment of the issue. The certification specified in 37 CFR §1.97(e) is made below. The Commissioner hereby is petitioned to consider the Information Disclosure Statement accompanying this submission. Payment for the Petition fee set forth in 37 CFR §1.17(i)(1) accompanies this submission.
- The undersigned counsel for applicant(s) hereby certifies each item of information identified in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- The undersigned counsel for applicant(s) hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, or to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of the statement.
- A check in the amount of \$_____ to cover any required fee is enclosed.

- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-0595. A duplicate of this sheet is enclosed for this purpose.

(Reg. No. 35,018)

BRIAN M. MATTSON
Patents+TMS, P.C.
1914 North Milwaukee Avenue
Chicago, Illinois 60647
Telephone: (773) 772-6009

When phoning re this
application, please call
(773) 772-009

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 12, 2004.

BRIAN M. MATTSON

(Reg. No. 35,018)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

APPLICANT: BERGERSEN

ATTY. DOCKET NO.: BER-P-03-054

SERIAL NO.: 10/665,441

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FILING DATE: Sept. 18, 2003

EXAMINER: Unassigned

INVENTION: "DENTAL APPLIANCES HAVING ATTACHABLE UPPER AND LOWER HALVES AND SYSTEMS AND METHODS FOR TREATING MALOCCLUSIONS"

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In accordance with the provisions of 37 CFR §1.56, Applicant requests that citation and examination of the references identified on the attached PTO-1449 form, copies of which of which are enclosed herewith, be made during the course of examination of the above-mentioned application for U.S. patent. No fee is due for submission of this statement. If, however, any fees are due and owing in view of this communication, please charge Deposit Account No. 50-0595. *A duplicate of this sheet is included for this purpose.*

I. SUBMITTED REFERENCES

A. INTERNATIONAL WRITTEN OPINION FOR CORRESPONDING

INTERNATIONAL APPLICATION

INTERNATIONAL APPLICATION NO.

APPLICANT

MAILING DATE

PCT/US03/29662

Bergersen

Aug. 4, 2004

II. REMARKS

Copies of the International Written Opinion for the corresponding international application with form PTO-1449 are submitted herewith.

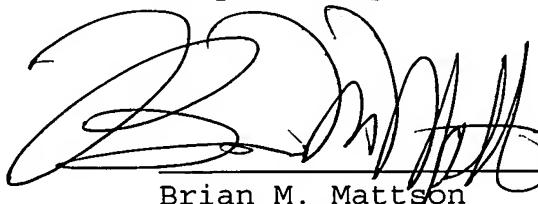
In the Written Opinion for the corresponding International Application, the International Preliminary Examining Authority opined that Claims 1-3 and 8-13 lack novelty under PCT Article 33(2) as being anticipated by *Bergersen*, U.S. Patent No. 5,645,420. Further, the International Preliminary Examining Authority opined Claims 1-4 lack novelty under PCT Article 33(2) as being anticipated by *Bergersen*, U.S. Patent No. 5,876,199. In addition, the International Preliminary Examining Authority opined Claims 1-3 and 5 lack novelty under PCT Article 33(2) as being anticipated by *Bergersen*, U.S. Patent No. 5,037,294. Still further, the International Preliminary Examining Authority opined Claims 14-17, 19 and 20 lack novelty under PCT Article 33(2) as being anticipated by *Andrews*, U.S. Patent No. 4,591,341.

Furthermore, the International Preliminary Examining Authority opined that Claim 6 lacks an inventive step under PCT Article 33(3) as being obvious over *Bergersen*, U.S. Patent No. 5,645,420 in view of *Watson et al.*, U.S. Patent No. 5,328,362; Claims 7 and 18 lack an inventive step under PCT Article 33(3) as being obvious over *Bergersen*, U.S. Patent No. 5,645,420 in

view of Andrews, U.S. Patent No. 4,591,341.

In view of the foregoing, Applicant submits that all claims of the application are patentably distinguishable over the teachings of the above references, taken singly or in combination. Early consideration of the application is, therefore, requested.

Respectfully submitted,

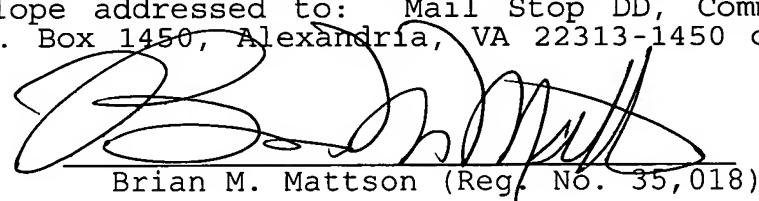


(Reg. No. 35,018)

Brian M. Mattson
Patents+TMS
A Professional Corporation
1914 North Milwaukee Ave.
Chicago, IL 60647
(773) 772-6009
ATTORNEY FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, PTO-1449 and INTERNATIONAL WRITTEN OPINION FOR INTERNATIONAL APPLICATION NO. PCT/US03/29662 are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 12, 2004.



Brian M. Mattson (Reg. No. 35,018)

